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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,588

12/02/2005

Niraj Dhansukhlal Mistry

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201 7590 04/28/2009  
UNILEVER PATENT GROUP  
800 SYLVAN AVENUE  
AG West S. Wing  
ENGLEWOOD CLIFFS, NJ 07632-3100

EXAMINER

OGDEN JR, NECHOLUS

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

04/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,588	<b>Applicant(s)</b> MISTRY, NIRAJ DHANSUKHLAL	
	<b>Examiner</b> Necholus Ogden, Jr.	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4-1-2009 has been entered.
2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over GB (1190023).
3. GB '023 discloses clear liquid detergent composition comprising up to 50% by weight of fatty acids unsaturated soap comprising at least one unsaturated fatty acids having from 14-22 carbon atoms and 8-22 carbon atoms; a solvent; and up to 15% of one or more organic agents such as glycerol or polyethylene glycols (page 1, lines 1-30). See examples 1 and 2, page 7, lines 1-27.
4. As this reference teaches all of the instantly required it is considered anticipatory.
5. In the alternative, GB '023 is silent with respect to the percentage of unsaturated fatty acid in said soap component and further it would have been obvious to the skilled artisan to optimize said proportion of fatty acid soap where said unsaturated fatty acid is required.
6. Claims 1, 3-4, 6-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over GB (2005297).

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7. GB '297 disclose a liquid soap composition comprising 12-40% by weight of fatty acid soaps having predominantly saturated fatty acid of C12, 16 and 18 carbon atoms; and 5-20% of glycols such as propylene glycol (page 1, lines 16-30 and example 4).

8. As this reference teaches all of the instantly required it is considered anticipatory.

9. In the alternative, GB '297 is silent with respect to the percentage of unsaturated fatty acid in said soap component and further it would have been obvious to the skilled artisan to optimize said proportion of fatty acid soap where said unsaturated fatty acid is required.

10. Claims 1, 3-4, 6-10 rejected under 35 U.S.C. 102(e) as being anticipated by WO (2006/045390) is withdrawn In view of applicant's Affidavit filed January 30, 2009.

### ***Response to Arguments***

11. Applicant's arguments filed 4-1-2009 have been fully considered but they are not persuasive.

12. Applicant argues that the amendments, which call out that the unsaturated fatty acid soaps are derived from castor oil are sufficient to overcome the prior art of record.

13. The examiner contends that the prior art of record, specifically teach with sufficient specificity coconut oil and palm kernel oil. For example, GB '023 or GB '297 teach that coconut acids and palmitic acids used in forming soaps (examples 1-6) and WO '390 specifically teach that castor oil, coconut oil and palm kernel oils are preferred in soap compositions (page 7, lines 4-5 and Tables 1-5).

14. Accordingly, it has been established that the soaps of the prior art continue to encompass the claimed invention and therefore the rejections remain as stated above.

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15. Applicant argues that the examples in his specification show unexpected results in Tables 3 and 4.

16. The examiner contends that the Tables in applicant's specification are not commensurate in scope with the claimed invention since the examples are drawn to narrower compositions outside the scope of the broader claims, criticality cannot be established.

17. Applicant argues that GB '297 teaches away from a transparent composition.

18. The examiner contends and respectfully disagrees because GB '297 teach all of the required components within the requisite proportions and it would have been inherent for the compositions of GB '297 to exhibit similar characteristics given that it teaches the same components.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholas Ogden, Jr. whose telephone number is 571-272-1322. The examiner can normally be reached on M-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Necholus Ogden, Jr./  
Primary Examiner  
Art Unit 1796

4-26-2009